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## MRS. EMI YASUDA AND HER MINOR SON, KEICHIRO YASUDA

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 3280]

The Committee on the Judiciary, to which was referred the bill (H. R. 3280) for the relief of Mrs. Emi Yasuda and her minor son, Keichiro Yasuda, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to waive the racial barrier to admission into the United States and to grant nonquota status to a former citizen of the United States who lost her citizenship by voting in an election in Japan. The bill also grants nonquota status to her minor son.

#### STATEMENT OF FACTS

The beneficiary of the bill was born in Seattle, Wash., on December 16, 1919. She went to Japan in 1939 to visit her grandparents and to further her studies. She left Japan in November 1941 but the ship was attacked near Pearl Harbor and returned to Japan. She was married in Japan in 1943 and had a son born in 1944. Her husband died in 1945. She has five brothers and sisters residing in this country who are all native-born citizens. She voted in a Japanese election in 1946 and thereby lost her United States citizenship. Her child did not acquire United States citizenship at birth inasmuch as the mother did not have the necessary residence as required by the Nationality Act of 1940.

A letter dated June 5, 1951, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case reads as follows:

JUNE 5, 1951.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 3280) for the relief of Mrs. Emi Yasuda and her minor son, Keichiro Yasuda, aliens.

The bill would render the provisions of section 13 (c) of the Immigration Act of 1924, as amended, which exclude from admission to the United States persons who are ineligible to citizenship, inapplicable to Mrs. Emi Yasuda, an American-born person of Japanese ancestry who lost her United States citizenship through voting in a Japanese election, and to her minor son, Keichiro Yasuda. It would also provide that they may be permitted to enter the United States as nonquota immigrants for permanent residence if they are found to be otherwise admissible under the provisions of the immigration laws.

The files of the Immigration and Naturalization Service of this Department disclose that Mrs. Yasuda was born in Seattle, Wash., on December 16, 1919. According to her parents, who reside in New York City, Mrs. Emi Yasuda left the United States for Japan on March 6, 1939, in order to visit her grandmother and to study the Japanese language and customs. Mrs. Yasuda's father stated that she intended to stay in Japan for 2 years, but that after her arrival in that country her grandmother became ill and subsequently died in September 1941. On November 30, 1941, Mrs. Yasuda left Japan to return to the United States; but, as the ship approached Honolulu, Pearl Harbor was attacked, and the ship returned to Japan on December 15, 1941. When she appeared before the American consul in Yokohama, Japan, in 1947, in order to make arrangements to return to this country, it was discovered that she had expatriated herself by voting in the Diet election in Japan in 1946.

Mrs. Yasuda's father further testified that his daughter was married in Manchuria in March 1943 to Shigeru Kawashima, a Japanese sailor, who died in May 1945, in the bombing of his ship; that her son Keichiro Yasuda, was born in Sasebo, Japan, on October 12, 1944, and that after Mr. Kawashima's death his wife changed the surname of herself and child to her maiden name of Yasuda. Mr. Yasuda stated that his daughter left Japan for Manchuria in order to avoid being drafted for the war effort, and that since October 7, 1945, she has been employed by the United States Occupation Forces in Sasebo. Mrs. Yasuda has five brothers and sisters residing in this country, all native-born citizens of the United States. One of her brothers is presently serving in the United States Army. Mrs. Yasuda, who is a typist and secretary, stated that she voted in the Diet election in Japan in 1946 out of pride, since she believed it was a fine thing to do and would set an example for Japanese women. She further stated that she did not realize that by so voting she would lose her United States citizenship. Mrs. Yasuda's parents are natives and citizens of Japan. Her father, who is a retired gardener, first arrived in this country in 1907, and her mother in 1919.

It would appear that Mrs. Yasuda may still have a valid claim to United States citizenship, since several recent court decisions have held that voting in Japan by United States citizens after the American occupation of that country did not constitute voting in a foreign state and, therefore, did not result in expatriation. It is understood that the Government has appealed these decisions. Mrs. Yasuda can ascertain whether she is still a United States citizen by filing an action under section 503 of the Nationality Act of 1940 for a judgment declaring her to be a citizen of the United States. Under section 503, *supra*, she may even obtain entry into the United States in order to prosecute her action.

If it should ultimately be held that Mrs. Yasuda expatriated herself by voting in Japan, both she and her child, Keichiro (erroneously spelled Keichiro in the bill), being aliens of the Japanese race, would be racially ineligible to citizenship under section 303 of the Nationality Act of 1940 and, therefore, inadmissible to the United States for permanent residence under section 13 (c) of the Immigration Act of 1924. The child, however, did not acquire United States citizenship, since Mrs. Yasuda did not have the 5 years' residence in this country after reaching the age of 16 as required by section 201 (g) of the Nationality Act of 1940. The questions of granting relief to individuals who lose their United States citizenship

by voting in foreign political elections and to persons who are inadmissible to the United States because of their race are general ones and should be resolved, if at all, by general legislation, and not by a series of private bills.

Accordingly, this Department is unable to recommend enactment of the measure.

Yours sincerely,

PEYTON FORD,  
Deputy Attorney General.

Congressman Franklin D. Roosevelt, Jr., the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following statement in support of the bill:

STATEMENT BY CONGRESSMAN FRANKLIN D. ROOSEVELT, JR., ON H. R. 3280, A BILL FOR THE RELIEF OF MRS. EMI YASUDA AND HER MINOR SON

Mrs. Emi Yasuda was born in Seattle, Wash., December 16, 1919. On March 6, 1939, when she was 19, she left the United States to visit her grandmother and study the Japanese language and customs in Japan. After her grandmother died in September 1941, she left Japan on a Japanese ship, the S. S. *Tatsuta Maru*. As the ship approached Hawaii en route to the United States, Pearl Harbor was attacked. She then turned around and returned to Japan. For the duration of the war Mrs. Yasuda was, of course, compelled to remain in Japan. In 1942 her family was evacuated to relocation centers in Idaho, and in October 1945, moved to my district in New York City.

In April 1942 the Japanese Government initiated a program to draft unmarried women for war-production work. In order to avoid being drafted under this program, Mrs. Yasuda fled to Manchuria. Unfortunately she found no means of support in Manchuria and returned to Japan in the fall of 1943. She married Shigeru Kawashima, a Japanese national, and Keiichiro Yasuda, a son, was born on October 1944 in Sasebo, Japan. Mrs. Yasuda's husband was killed during the war, and she has since changed her name to her maiden name.

Soon after the reestablishment of the consular service of the United States, Mrs. Yasuda applied for reinstatement of her United States citizenship. She was advised by an officer of the consular service that the processing would take time since a large number of applicants had made applications, and that she should return in 6 months.

On October 7, 1945, she was employed as an interpreter by the United States Counter Intelligence Corps at Sasebo, Japan. While she was employed with this unit, a general Diet election was conducted in the spring of 1946, under the direction and auspices of SCAP. On the day of the election, her supervisor, a Lt. Joseph Wallace, entered a room where Mrs. Yasuda and three other Japanese women worked and suggested to them that they exercise their new franchise as voters. It was the first time in the history of Japan that women were permitted to vote. Since the occupation, authorities had conducted a very vigorous publicity campaign urging all women to vote and cooperate with the campaign. Mrs. Yasuda took the initiative to set an example for the other women and voted, believing that such action was in the best interests of the United States. She did not know, expect, or intend that her United States citizenship would be lost thereby.

On May 21, 1947, Mrs. Yasuda returned to the consular office for her reinstatement of citizenship. Among the various questions she was asked was, "Have you voted in a Japanese election?" to which she replied that she had not voted at all except for the afore-mentioned that was conducted under the sponsorship of SCAP authorities. That reply ended the interview, and she was informed that she had forfeited her citizenship altogether because she had admitted voting in one election, under the provision of section 401 (e) of the Nationality Act.

After all administrative remedies were exhausted to regain Mrs. Yasuda's citizenship, she instituted action in late 1949, entitled "*Emi Yasuda v. Dean Acheson, as Secretary of State*," under section 503 of the Nationality Act of 1940, for a judgment declaring her to be a citizen of the United States, in the United States District Court for the Western District of Washington, Northern Division. All of Mrs. Yasuda's relatives, her parents, brothers, and sisters were and are still residing in the United States; and, not having any close relatives in Japan, she attempted to obtain visas for herself and her son to testify in her case. On November 27, 1951, Mrs. Yasuda was informed by letter from the Foreign Service of the United States, denying the application for her son's visa.

Attached hereto is the original of that letter. For her to effectuate her court action, she would have been forced to leave her minor child all alone in Japan. This she would not do.

Even assuming that Mrs. Yasuda would be successful in reestablishing her citizenship, her son nevertheless will not be able to enter the United States under section 13 (c) of the Immigration Act of 1924 (8 U. S. C. 213 (c)).

While it is true that general legislation now under consideration may resolve this matter and permit Mrs. Yasuda to enter the United States to prosecute her case, I should like to remind the committee that this legislation has been under consideration since prior to July 26, 1947, when Senate Resolution 137 was passed to make a full and complete investigation of our entire immigration system. When the Nationality Act of 1940 was enacted, 5 years of study and 6 months of hearings were required. The enactment of any of the pending bills is still uncertain.

The Eighty-second Congress has passed private bills which are similar to my bill H. R. 3280 (H. R. 2853 and H. R. 2854; H. Rept. 412 and H. Rept. 413, respectively).

The equities of Mrs. Emi Yasuda's case are at least equal to if not greater than beneficiaries of the above bills.

This family has been separated for over 13 years. It is my hope that the committee will see its way clear to a favorable report on my bill for the relief of Mrs. Emi Yasuda and her minor son, Keichiro.

In addition, Congressman Roosevelt submitted the following memorandum from the Japanese-American Citizens League in support of the bill:

JAPANESE AMERICAN CITIZENS LEAGUE

ANTI-DISCRIMINATION COMMITTEE

300 Fifth Street NE., Washington, D. C.

MEMORANDUM IN SUPPORT OF REQUEST FOR PRIVATE LEGISLATION FOR THE RELIEF OF MRS. EMI YASUDA AND HER MINOR SON, KEICHIRO YASUDA

JUNE 23, 1950.

Mrs. Emi Yasuda and her minor son, Keichiro Yasuda, aged 5, are presently living in Japan, at the New Grand Lodge, Karuizawa-machi, Nagano-ken.

This legislation to permit their entry into the United States for permanent residence is requested by members of Mrs. Emi Yasuda's family, and particularly by her brothers, Kentaro and Tetsujiro Yasuda, veterans of the United States Armed Forces.

The Yasuda family, consisting of Mr. and Mrs. Kunihiro Yasuda, their sons, Kentaro and Tetsujiro, and their daughters, Mitsu and Sada, reside at 107 West Eighty-eighth Street, New York 24, N. Y. A married daughter, Mrs. Yae Kusaba, lives with her husband, Henry Kusaba, at 707 Amsterdam Avenue, New York 25, N. Y. All the children are American-born citizens.

Before the war the family lived in Seattle, Wash., but were evacuated in 1942 to the Minidoka Relocation Center at Hunt, Idaho, and relocated in New York City in October 1945. The father is retired, and the younger brother attends college on the GI bill, but all other members of the family are working, drawing a combined total income of \$1,500 per month.

Emi Yasuda, the eldest daughter, was born in Seattle, Wash., December 16, 1919. Following her graduation from the Broadway High School of that city, she went to Japan in 1939 to continue her education. She attended the Sonoda Gakuen, a girls' private finishing school in Kobe, Japan.

With the worsening of relations between the United States and Japan, Emi Yasuda made arrangements to return to the United States and boarded the S. S. *Tatsuta Maru* at Yokohama December 2, 1941, having first taken an oath of allegiance to the United States before the American consular official at that port.

On December 7, 1941, a day before the ship was due to reach Honolulu, war broke out between Japan and the United States, and the *Tatsuta Maru* turned back for Yokohama. Thus, for the duration of the war, Emi Yasuda was compelled to remain in Japan.

In an effort to avoid the fate of all unmarried women who were being drafted for war-production work by the Japanese Government, Emi Yasuda spent the early part of the war in Manchuria; but, finding no sustained means of livelihood



there, she was compelled to return to Japan in the fall of 1943. She then married Shigeru Kawashima, a Japanese national, and a son, Keichiro Kawashima (later changed to Keichiro Yasuda), was born of this marriage on October 12, 1944, in Sasebo, Japan. The husband passed away May 3, 1945. Mrs. Yasuda has since resumed her maiden name.

After the cessation of hostilities and the reestablishment of the United States consular service in Japan, Mrs. Yasuda applied for reinstatement of her American citizenship. She was advised that processing would take considerable time because of the large number of applicants, and that she should return in 6 months.

In October 1945, she was employed as interpreter by the United States Counter Intelligence Corps at Sasebo, Japan. While thus employed, a general Japanese election was held in the spring of 1946 under the direction and auspices of SCAP. For the first time in the history of Japan, women were to be permitted to vote. As a result of a vigorous publicity campaign urging all women to exercise their newly granted franchise, and particularly at the suggestion of her immediate supervisor, a Lt. Joseph Wallace of the above Counter Intelligence Corps, Mrs. Yasuda voted in this election, believing that such action was in the interest of the United States. She did not expect, much less intend, that her United States citizenship would be lost thereby.

Soon after the election, Mrs. Yasuda returned to the United States consular office for reinstatement of her citizenship. Upon the disclosure of her voting in a Japanese election, she was informed that she had forfeited her citizenship by this act, under the provision of section 401 (c) of the Nationality Act of 1940.

It is apparent that Mrs. Yasuda lost her citizenship through no intent or desire of her own, but as a result of confusion and misapprehension as to the consequences of her act. Mrs. Yasuda has at all times remained loyal to the United States. Her employment by the United States Army occupational authorities in 1945 resulted only after a thorough checking of her loyalty record.

By her forfeiture of American citizenship, Mrs. Yasuda has been adjudged ineligible for admission to the United States under existing law. Her minor son is also inadmissible. Mrs. Yasuda, however, desires to return to the United States with her son, in order to be reunited with her family. Her family shares in this wish and declares full responsibility for their support, so that at no time will Mrs. Yasuda and her minor son become public charges.

Attached are further data and documents relative to her family, including military service records for her brothers and financial statements attesting to the family's ability to offer complete support.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3280) should be enacted.

